

REMARKS

The Office Action mailed December 4, 2002 has been received and the Examiner's comments carefully reviewed. Claims 14-18 and 21-27 have been allowed. Claims 4, 5, 9 and 10 have been indicated as being allowable if rewritten in independent form. Applicants thank the Examiner for this notification. Claims 1 and 5 have been amended. Applicants have included herewith a document entitled, "VERSION WITH MARKINGS TO SHOW CHANGES MADE" to indicate how the claims have been amended. Claims 28-30 have been added. No new subject matter has been added. Claims 4 and 9 have been cancelled. Claims 1-3, 5-8, and 10-30 are currently pending. Applicants respectfully submit that the pending claims are in condition for allowance.

Rejections Under 35 U.S.C. §102

The Examiner rejected claims 1-3, 6-8, 11-13, and 19 under 35 U.S.C. §102(e) as being anticipated by Curry et al. (U.S. Patent 6,245,998). Applicants respectfully traverse these rejections, but have amended claim 1 to advance this application to allowance. Applicants reserve the right to pursue the original subject matter via a continuing application.

I. Claims 1-3 and 6-8

Claim 1 has been amended to incorporate the subject matter of objected-to claim 4. In light of the amendment to claim 1, Applicants respectfully submit that independent claim 1 and dependent claims 2, 3, and 6-8 are now in condition for allowance.

II. Claims 11-13

Claim 11 recites a cover including a cover plate having first and second opposite edges. First and second pivot posts are disposed along the respective first and second opposite edges. As shown in FIG. 10, the first and second pivot posts allow the cover to be pivoted in either a clockwise direction or a counter-clockwise direction.

Curry discloses a cable management assembly including a door 54. "The door 54 has a pair of horizontal slots 56, 58 along a lower edge of the door, through which slots the

Not claimed

ferrules 50, 52 engage the door 54 for swinging movement about the axis A." Column 3, lines 58-61.

Curry does not disclose a cover plate having first and second pivot posts disposed along first and second opposite edges. Rather, Curry has slots 56, 58 located on opposite ends of "a lower edge".

*still
opposite
edge*

The slots 56, 58 are formed along only a first or lower edge. Because Curry does not meet the structural limitations of pivot posts disposed on first and second opposite edges of a cover plate, Applicants respectfully submit that independent claim 11 and dependent claims 12 and 13 are patentable.

III. Claim 19

Claim 19 recites a cable trough and cover assembly including a hinge pedestal having a base portion that is secured to a base of the cable trough. The pedestal also includes an extending body extending away from the base of the cable trough, as shown in FIG. 12. The Examiner stated that the ferrule 50 in Curry discloses these recited features.

The ferrule 50 in Curry "are fixed at opposite ends of the front wall 34" of a trough 28. As shown in FIG. 2, the ferrule 50 is attached by fasteners or rivets to the front side wall. The ferrule is not secured to a base of the cable trough.

Further, in characterizing the portion of the ferrule 50 as a "base", the ferrule does not include an extending body, as required by claim 19. Rather, the ferrule 50 merely includes "a pocket" attached to a base. In an alternative characterization, the ferrule 50 merely includes "a pocket" attached to an "extension" and does not include a base.

Because Curry does not teach or suggest the structural limitations as recited in claim 19, Applicants respectfully submit that claim 19 is patentable.

Rejections Under 35 U.S.C. §103

The Examiner rejected claim 20 under 35 U.S.C. §103(a) as being patentable over Curry et al. (U.S. Patent 6,245,998). Applicants respectfully traverse this rejection.

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Claim 20 depends upon independent claim 19. Claim 20 recites that the hinge pedestal of the assembly includes an extending body that defines a first pocket and a second

pocket. The assembly also includes a second cover plate. The first and second pockets are sized to receive respective pivot members of both the first and second cover plates.

The Examiner stated that it would have been obvious to duplicate the assembly in claim 19 for the purpose of making the cable trough with two covers. First, Applicants submit that Curry neither teaches nor suggests duplicating components. But moreover, Applicants respectfully point out that claim 20 does not recite duplicate assemblies; rather claim 20 recites that the pedestal of the assembly includes two pockets sized to receive two covers in contrast to a pedestal having one pocket, as recited in claim 19.

Curry does not teach or suggest an assembly having two covers; and clearly the ferrule 50 has only a single pocket, in contrast to first and second pockets recited in claim 20. Applicants therefore respectfully submit that claim 20 is patentable.

Allowable Subject Matter

The Examiner objected to claims 4, 5, 9, and 10 but indicated these claims would be allowable if rewritten in independent form. The Examiner also allowed claims 14-18 and 21-27. Applicants thank the Examiner for this notification.

Claim 1 has been amended to incorporate the subject matter of objected-to claim 4. Claims 4 and 9 have been cancelled. Claims 5 and 10 depend upon claim 1. Applicants respectfully submit that claims 1, 5 and 10 are now in condition for allowance.

New Claims 28-30

New claim 28 incorporates the subject matter of original claims 1 and 6. In particular, claim 28 recites a cover and hinge assembly including a cover plate having first and second pivot member along first and second opposite edges. For similar reasons as discussed with respect to claim 11, Applicants submit that the cited art does not disclose a pivot member along each of a first edge and a second opposite edge. Therefore, claim 28 is patentable.

New claim 29 depends upon independent claim 19 and further clarifies that the hinge pedestal is secured to the base of the cable trough at a central region located between the sidewalls. In light of the remarks regarding independent claim 19, Applicants submit that dependent claim 29 is patentable.

New claim 30 recites a cable trough and cover assembly including a cable trough having a base and two sidewalls, each of the sidewalls has a top edge. A hinge member defining a detent pocket is positioned along the top edge of the sidewall of the cable trough. The hinge member includes a detent pocket that releasably holds a pivot member of a cover plate so that the cover plate may be rotated relative to the hinge member.

Applicants respectfully submit that the cited prior art does not disclose an assembly including a cable trough with a hinge member positioned along a top edge of a sidewall of the cable trough; and that claim 30 is therefore patentable.

SUMMARY


It is respectfully submitted that each of the presently pending claims (claims 1-3, 5-8, and 10-30) is in condition for allowance and notification to that effect is requested. The Examiner is invited to contact Applicants' representative at the below-listed telephone number if it is believed that prosecution of this application may be assisted thereby.

Although certain arguments regarding patentability are set forth herein, there may be other arguments and reasons why the claimed invention is patentably distinct. Applicants reserve the right to raise these arguments in the future.

Respectfully submitted,

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the Claims:

Claims 4 and 9 have been cancelled without prejudice.

Claims 1 and 5 have been amended as follows:

1. (Once Amended) A cover and hinge assembly for covering a cable trough having a base and two sidewalls, the assembly comprising:
a cover plate having a pivot member along at least one edge;
a hinge member including first and second arms coupled by a middle member to form a U-shaped recess for receiving a sidewall of the trough between the first and second arms, the hinge member also defining a detent pocket, the pocket releasably holding the pivot member of the cover plate so that the cover plate may be rotated relative to the hinge member by rotation of the pivot member within the pocket.

5. (Once Amended) The cover and hinge assembly of claim [4] 1 wherein an interior side of the first arm includes a retention tab having a ramped surface.

Claims 28-30 are new.



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